

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**  
**CRIMINAL CASE NO. 1:08-cr-00082-MR-2**  
**CRIMINAL CASE NO. 1:09-cr-00055-MR-1**  
**CRIMINAL CASE NO. 1:09-cr-00058-MR-1**

UNITED STATES OF AMERICA, )  
                                )  
Plaintiff,                 )  
                                )  
vs.                         )                           ORDER  
                                )  
                                )  
LARRY MICHAEL COPELAND, )  
                                )  
Defendant.                 )  
                                )  
                                )

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**THIS MATTER** is before the Court on the Defendant's letter, which the Court construes as a motion for recommendation. [Criminal Case No. 1:08-cr-00082-MR-2, Doc. 167; Criminal Case No. 1:09-cr-00055-MR-1, Doc. 43; Criminal Case No. 1:09-cr-00058-MR-1, Doc. 57].

The Defendant moves this Court for a written recommendation in support of the Defendant's petition for an executive clemency and sentencing commutation.

The Court is without jurisdiction to address the Defendant's motion. "A clemency petition is directed to the executive branch of government which has the power to grant clemency or commute a sentence. As such, clemency

is an executive remedy not a judicial remedy.... Indeed, clemency petitions and decisions to commute sentences are not the business of judges and the courts." Powell v. United States, Nos. 11-731-CG, 10-207-CG-C, 2013 WL 1561490, at \*1 (S.D. Ala. Mar. 13, 2013) (quoting United States v. Lopez-Meza, Nos. CR 06-523-PHX-DGC, CV 06-2767-PHX-DGC(VAM), 2006 WL 3499919, at \*1-2 (D. Ariz. Dec. 4, 2006)).

Accordingly, **IT IS, THEREFORE, ORDERED** that the Defendant's letter, which the Court construes as a motion for recommendation [Criminal Case No. 1:08-cr-00082-MR-2, Doc. 167; Criminal Case No. 1:09-cr-00055-MR-1, Doc. 43; Criminal Case No. 1:09-cr-00058-MR-1, Doc. 57], is **DENIED WITHOUT PREJUDICE.**

**IT IS SO ORDERED.**

Signed: September 27, 2021



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Martin Reidinger  
Chief United States District Judge

